

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

RUSSELL L. SILICATO, individually, and )  
KATHERINE L. SILICATO, individually, ) C.A. NO. 1:07-cv-00557-GMS  
)  
*Plaintiffs,* )  
vs. )  
)  
TIMOTHY RYAN RICHARDSON, )  
individually, and )  
CHARLES A KLEIN & SONS INC, )  
a Foreign Corporation, )  
)  
*Defendants.* )

## NOTICE

TO: Charles A. Klein & Sons, Inc.  
5220 Klee Mill Road  
Sykesville, MD 21784

PLEASE TAKE NOTICE that the original of the enclosed Complaint was filed upon the Secretary of State of Delaware pursuant to 10 Del. C. Section 3104.

Service on the Secretary pursuant to 10 Del. C. Section 3104 is as effectual to all intents and purposes as if it had been made upon you personally within the State of Delaware.

/s/ David P. Cline  
David P. Cline, Esq. (#2681)  
1300 North Market Street  
Suite 700  
Wilmington, DE 19801  
302-529-7848  
*Attorney for Plaintiffs*

Date: 10/04/07

Letter to Defendant, Charles A. Klein & Sons,  
Inc., regarding long arm service of process as  
prescribed by Section 3104 of the Delaware  
Code of 1953

# David P. Cline

davidcline@mylawman.com

*Attorney-at-Law*

*Let Mylawman become Yourlawman.™*

LICENSED TO PRACTICE IN  
DE MD NJ NY & PA

715 N. KING ST., 1<sup>ST</sup> FLOOR  
PO BOX 33  
WILMINGTON DE 19899-0033  
302 529 - 7848  
302 LAW-SUIT

PHILADELPHIA, PA 19103  
MEDIA, PA 19063  
MT LAUREL, NJ 08054

FAX 302 654-0884

PLEASE NOTE NEW ADDRESS ABOVE; P.O. BOX REMAINS SAME

October 4, 2007

Charles A. Klein & Sons, Inc.  
5220 Klee Mill Road  
Sykesville, MD 21784

**VIA REGISTERED MAIL/RETURN RECEIPT REQUESTED & REGULAR MAIL**

Re: Russell L. Silicato, et al. vs. Timothy Ryan Richardson, et al.  
Case No.: 07-557 GMS

To Whom It May Concern:

Please take notice that the enclosed process and complaint have been served upon the Secretary of State as prescribed by Section 3104 of Title 10 of the Delaware Code of 1953. This service upon the Secretary of State is made as if that service had been made upon you personally. Enclosed please find a copy of the Service of Process and the Complaint. Please note that you have 20 days from the date of service of this letter to file an answer to this complaint or a default judgment will be entered against you. A copy of that answer must be served upon me.

Please turn this matter over to the auto insurance company that was in effect on the date of this accident. If you do not have insurance that will cover you for this accident please contact me at the above. Thank you.

Very truly yours,

/s/ David P. Cline  
(signed electronically)

David P. Cline

Enclosure  
DPC/AS/a

Return of Service from Secretary of State for  
Defendant, Charles A. Klein & Sons, Inc., for  
long arm service of process as prescribed by  
Section 3104 of the Delaware Code of 1953

UNITED STATES DISTRICT COURT

District of

Delaware

RUSSELL L. SILICATO, individually, and  
KATHERINE L. SILICATO, individually,  
V. Plaintiffs,  
TIMOTHY RYAN RICHARDSON, individually and  
CHARLES A. KLEIN & SONS, INC., a foreign  
corporation, Defendants.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

57 GMS

TO: (Name and address of Defendant)

CHARLES A. KLEIN & SONS, INC., a foreign corporation  
5220 KLEE MILL ROAD  
SYKESVILLE, MD 21784

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

DAVID P. CLINE, ESQUIRE  
715 KING STREET, SUITE 100  
P.O. BOX 33  
WILMINGTON, DE 19899-0033  
(302) 529-7848

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

DATE

9/17/07

(By) DEPUTY CLERK

## RETURN OF SERVICE

Service of the Summons and complaint was made by me(1)	DATE 9/28/07
NAME OF SERVER (PRINT) GRANVILLE MORRIS	TITLE SPECIAL PROCESS SERVER

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☒ Other (specify): SERVED: CHARLES A. KLEIN & SONS, INC. UNDER 10 DEL. CODE SEC 3104 C/O THE DELAWARE SECRETARY OF STATE TOWNSEND BLDG. DOVER, DE COPIES THEREOF WERE ACCEPTED BY KAREN CHARBANEAU

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 9/28/07  
Date

Signature of Server  
BRANDYWINE PROCESS SERVERS, LTD.  
P.O. BOX 1360  
WILMINGTON, DE 19899-1360  
302- 475-2600

Original Complaint Filed on  
September 17, 2007

07-557

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS Silicato, Russell & Katherine  
husband & wife, AND individually

(b) County of Residence of First Listed Plaintiff New Castle  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) 302-529-7848  
715 King St,  
Ste 101, Box 33, Wilm, DE 19899-0033

DEFENDANTS Richardson, Timothy Ryan,  
Individually

County of Residence of First Listed Defendant Worcester  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 PTF ☐ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
- Citizen of Another State ☐ 2 PTF ☒ 2 DEF Incorporated and Principal Place of Business In Another State ☐ 5 PTF ☒ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF Foreign Nation ☐ 6 PTF ☐ 6 DEF

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employees' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Challenge <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Federal Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: 28 U.S.C. § 1332 - DIVERSITY  
PERSONAL INJURY - Auto

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/17/07

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and )  
KATHERINE L. SILICATO, individually, ) C.A. NO.  
)  
Plaintiffs, )  
vs. )  
)  
TIMOTHY RYAN RICHARDSON, )  
individually, and )  
CHARLES A KLEIN & SONS INC, )  
a Foreign Corporation, )  
)  
Defendants. )

COMPLAINT

Plaintiffs, Russell L. Silicato and Katherine L. Silicato, through their counsel, David P. Cline, Esquire and Steven J. Stirparo, Esquire, say by way of Complaint that:

JURISDICTION

**I. JURISDICTION BASED ON DIVERSITY OF CITIZENSHIP**

1. Jurisdiction is based on diversity of citizenship and the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs.
2. Jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332.

VENUE

3. Venue lies under 28 U.S.C. Section 1391.

PARTIES

4. Plaintiff, Russell L. Silicato, is and was at all times pertinent hereto a resident of the state of Delaware, residing at 3080 Wrangle Hill Road, Bear, Delaware 19701.

5. Plaintiff, Katherine L. Silicato, is and was at all times pertinent hereto a resident of the state of Delaware, residing at 3080 Wrangle Hill Road, Bear, Delaware 19701, and is the wife of plaintiff, Russell L. Silicato.

6. Defendant, Timothy Ryan Richardson, an individual, upon information and belief, is believed at all times pertinent hereto, a resident of the state of Maryland, residing at 8226 Shira Drive, Berlin, Maryland 21811.

7. Defendant, Charles A Klein & Sons Inc., a Foreign Corporation, upon information and belief, is believed to be at all times pertinent hereto, a Foreign Corporation of the state of Maryland, with its principal place of business located at 5220 Klee Mill Road, Sykesville, Maryland 21784.

8. At all times pertinent hereto, defendant Timothy Ryan Richardson was acting within the course and scope of his employment with defendant Charles A Klein & Sons Inc. Therefore, defendant Charles A Klein & Sons Inc is responsible for the reckless, wanton and/or negligent actions and/or inactions of defendant Timothy Ryan Richardson as an agent, employee and/or servant under the doctrine of *Respondeat Superior* and the law of agency as the principal, employer or master.

#### COUNT I

9. Plaintiffs hereby incorporate paragraphs 1 through 8 as if fully set forth herein.

10. On September 17, 2005, at approximately 11:50 a.m., plaintiff, Russell L. Silicato, was operating his motorcycle traveling in a southerly direction on Race Track Road, with his wife Katherine L. Silicato as his passenger.

11. At the same time and place, defendant, Timothy Ryan Richardson, was operating a vehicle owned by Charles A Klein & Sons Inc, traveling in a northerly direction on Race Track

Road and operated such vehicle in a negligent, careless and/or reckless manner, by failing to yield to oncoming traffic while attempting to make a left hand turn, causing his vehicle to violently collide into plaintiff, Russell L. Silicato's motorcycle.

12. This incident was the result of the negligence, carelessness, and /or recklessness of the defendant, Timothy Ryan Richardson, and was not caused in any manner whatsoever by the act or failure to act on the part of the plaintiffs.

13. The aforesaid collision and plaintiff Russell L. Silicato's resulting injuries and damages were proximately caused by the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson in that he:

- a. failed to maintain a proper lookout while operating the vehicle he was driving;
- b. failed to give full time and attention to the operation of the vehicle he was driving;
- c. operated the vehicle he was driving in a careless and imprudent manner, without due regard for traffic conditions then existing;
- d. failed to exercise and maintain proper control over the vehicle he was driving;
- e. failed to give full time and attention to the operation of his motor vehicle; and
- f. violated the common-law duty of lookout.

14. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato suffered severe bodily injuries including, but not limited to, injuries to his neck, upper back, shoulders, ribs, right thumb, right hip, right foot and right arm. Some or all of his injuries have continued since the collision and are permanent in nature.

15. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has incurred, and will continue to incur in the future, medical and related expenses for his care and treatment.

16. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

17. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has sustained in the past and may sustain in the future a loss of earnings and/or earning capacity.

18. As a further direct and proximate result of the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato suffered the loss of consortium and companionship of her husband, Russell L. Silicato, as a result of his injuries.

## COUNT II

19. Plaintiffs hereby incorporate paragraphs 1 through 18 as if fully set forth herein.

20. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato suffered severe bodily injuries including, but not limited to, injuries to her right knee. Some or all of her injuries have continued since the collision and are permanent in nature.

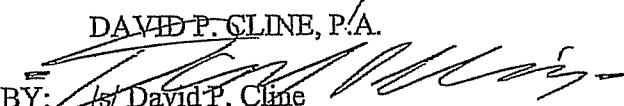
21. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has incurred, and will continue to incur in the future, medical and related expenses for her care and treatment.

22. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

23. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has sustained in the past and may sustain in the future a loss of earnings and/or earning capacity.

24. As a further direct and proximate result of the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato suffered the loss of consortium and companionship of his wife, Katherine L. Silicato, as a result of her injuries.

WHEREFORE, plaintiffs demand judgment against defendants, jointly and severally, for their special and general damages, including pain and suffering, punitive damages, attorney fees, pre and post judgment interest, the costs of this action and other such relief as the Court finds just.

DAVID P. CLINE, P.A.  
BY:   
David P. Cline, Esq. (#2681)  
715 King Street, Suite 100  
P.O. Box 33  
Wilmington, DE 19899-0033  
Attorney for Plaintiffs  
(302) 529-7848

Dated: September 17, 2007

AO FORM 85 RECEIPT (REV. 9/04)

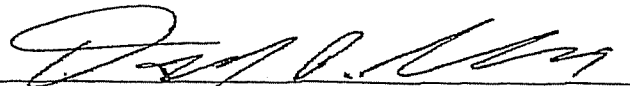
United States District Court for the District of Delaware

Civil Action No. 057

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

17 Sept 2007   
(Date forms issued) (Signature of Party or their Representative)

David P. Cline  
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and )  
KATHERINE L. SILICATO, individually, ) C.A. NO. 1:07-cv-00557-GMS  
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*Plaintiffs,* )  
vs. )  
)  
TIMOTHY RYAN RICHARDSON, )  
individually, and )  
CHARLES A KLEIN & SONS INC, )  
a Foreign Corporation, )  
)  
*Defendants.* )

**NOTICE OF SERVICE**

I, David P. Cline, Esquire, hereby certify that on this 4<sup>th</sup> day of October, 2007 copies of the **NOTICE UNDER 10 DEL.C. §3104 UNDER DELAWARE LONG ARM STATUTE TO DEFENDANT, CHARLES A. KLEIN & SONS, INC.** were filed electronically with the U.S. District Court and sent by registered and regular mail to:

Charles A. Klein & Sons, Inc.  
5220 Klee Mill Road  
Sykesville, MD 21784

DAVID P. CLINE, P.A.

BY: /s/ David P. Cline  
DAVID P. CLINE, ESQUIRE (#2681)  
1300 Market Street, Suite 700  
P.O. Box 1970  
Wilmington, DE 19899-1970  
(302) 529-7848  
*Attorney for Plaintiffs*

Dated: 10/4/07